

AMENDED IN ASSEMBLY JANUARY 4, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 909

Introduced by Assembly Member Alejo

February 17, 2011

An act to amend Section 1257 of the Health and Safety Code, relating to health facilities add Article 11.6 (commencing with Section 49566) to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 909, as amended, Alejo. ~~Health facility licensing compliance: delegation to local health departments.~~ *Pupil nutrition: Farm to School Program.*

(1) Existing law requires the State Department of Education to ensure that the nutrition levels of meals served to schoolage children pursuant to the National School Lunch Act be of the highest quality and greatest nutritional value possible.

This bill would require that at least 80% of the fresh produce a school district purchases for use in its food service program be California produce, as defined. This requirement would impose a state-mandated local program on school districts. The bill would require the State Department of Education to reimburse a school district that purchases California produce in the prescribed quantity \$0.05 for every meal the district serves as part of the National School Lunch or School Breakfast Programs. The bill would require the Department of Agriculture to consult with the State Department of Education for the purpose of assisting school districts with meeting the California produce requirement, identify the sources and suppliers of California produce,

develop strategies for school districts to use that would result in more California produce use in school meal programs, and help small farmers collaborate with one another to supply the large quantities of produce demanded by school districts. The bill would authorize the State Board of Education to adopt any rules and regulations necessary for the implementation of this program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes the State Department of Public Health and sets forth its powers and duties, including, but not limited to, administration of laws relating to the licensing and regulation of health facilities, as defined. Existing law authorizes the department to delegate enforcement authority to local health departments and to provide local health departments with payment for these services.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 11.6 (commencing with Section 49566) is
2 added to Chapter 9 of Part 27 of Division 4 of Title 2 of the
3 Education Code, to read:

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5 Article 11.6. Farm to School Program

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7 49566. At least 80 percent of the fresh produce a school district
8 purchases for use in its food service program shall be California
9 produce.

10 49566.1. (a) If a school district purchases California produce
11 in the quantity prescribed in Section 49566, the department shall
12 reimburse the school district five cents (\$0.05) for every meal the

1 *district serves as part of the National School Lunch or School*
2 *Breakfast Programs.*

3 *(b) A school district shall expend the funds received pursuant*
4 *to this section to purchase California produce.*

5 *49566.2. For the purpose of implementing this article, the*
6 *department may accept contributions of money and assistance*
7 *from any public or private source and agree to conditions placed*
8 *on the contributions if those conditions are not inconsistent with*
9 *the duties of the department.*

10 *49566.3. The Department of Agriculture shall consult with the*
11 *department for the purpose of assisting school districts with*
12 *meeting the requirement set forth in Section 49566 and shall do*
13 *all of the following to provide that assistance:*

14 *(a) Identify the sources and suppliers of California produce.*

15 *(b) Develop strategies for school districts to use, including*
16 *forward contracting and negotiating competitive prices, that would*
17 *result in more California produce use in school meal programs.*

18 *(c) Help small farmers collaborate with one another to supply*
19 *the large quantities of California produce demanded by school*
20 *districts.*

21 *49566.4. The board may adopt any rules and regulations*
22 *necessary for the implementation of this article.*

23 *49566.5. For purposes of this article, "California produce"*
24 *means produce that has been produced in California or harvested*
25 *in its surface or coastal waters.*

26 *SEC. 2. If the Commission on State Mandates determines that*
27 *this act contains costs mandated by the state, reimbursement to*
28 *local agencies and school districts for those costs shall be made*
29 *pursuant to Part 7 (commencing with Section 17500) of Division*
30 *4 of Title 2 of the Government Code.*

31 ~~SECTION 1. Section 1257 of the Health and Safety Code is~~
32 ~~amended to read:~~

33 ~~1257. The department may delegate to local health departments~~
34 ~~the authority to verify compliance with the licensing and approval~~
35 ~~provisions of this chapter, to provide consultation, and to~~
36 ~~recommend disciplinary action by the department against those~~
37 ~~licensed or approved under this chapter. In exercising the authority~~
38 ~~so delegated, the local health department shall conform to the~~
39 ~~requirements of this chapter and to the rules and regulations of the~~
40 ~~department. Payment to the local health departments for services~~

1 performed pursuant to this section shall be in accordance with a
2 budget submitted by the local health department and approved by
3 the department. These expenditures shall not exceed amounts
4 appropriated by the Legislature for the purpose of such inspection
5 and enforcement.

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